

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

IAN V. JACOBS,

Plaintiff/Counterclaim-
Defendant,

v.

FAREPORTAL INC.,

Defendant/Counterclaim-
Plaintiff.

Civil Action No. 8:17 Civ. 00362

**FAREPORTAL INC.'S MOTION FOR LEAVE TO FILE A SUR-REPLY IN RESPONSE
TO PLAINTIFF'S REPLY IN FURTHER SUPPORT OF HIS MOTION TO COMPEL**

Defendant counterclaim-plaintiff Fareportal Inc. ("Fareportal"), by and through its undersigned counsel, respectfully moves this Court for leave to file a sur-reply brief in response to plaintiff counterclaim-defendant Ian V. Jacobs' ("Plaintiff") reply in further support of his motion to compel. *See* Dkt. No. 279.

Counsel for Fareportal believes good cause exists for submission of a sur-reply because Plaintiff's reply brief consists primarily of new arguments not raised in his opening brief, chiefly regarding the Supreme Court's decision in *Romag Fasteners, Inc. v. Fossil, Inc.*, 140 S.Ct. 1492 (2020), and the underlying principles of statutory construction therein, which are not only new but materially misrepresented. Accordingly, to permit Fareportal a fair opportunity to respond, Fareportal respectfully requests that the Court grant its motion for leave and consider the sur-reply attached hereto as **Exhibit A**.

Respectfully submitted,

Dated: New York, New York
July 17, 2020

/s/ Eleanor M. Lackman
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